

REMARKS

Claims 1-39 are pending in this application. By this Amendment, claim 1 is amended and claims 36-39 are added. The claim amendments and added claims introduce no new matter. A Request for Continued Examination is attached. Consideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 4, rejects claims 1, 7-10, 13, 16-18, 24, 26, 32 and 33 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,216,899 to Vicari. This rejection is respectfully traversed.

Vicari teaches a box for transporting and storing different products, which is made of wood and can be fully assembled and disassembled (Abstract).

Claim 1 recites, among other features, wherein the hinge is configured to hold the lid in an upstanding position relative to the at least one base portion. Vicari teaches an upper cover provided with double Velcro-type latches (30') or the like in the median portion of its four ends, which latches cooperate with respective pairs (20') provided in the upper ends of said side plates (20) (col. 38, lines 58-61). There is no reasonable construction by which these double Velcro-type latches can reasonably be considered to teach, or even to suggest, a feature wherein the hinge is configured to hold the lid in an upstanding position relative to the base portion. It is likely that the weight of the cover in Vicari would preclude such a configuration. In the configuration of the double Velcro-type latches (30') in the median portions of its four ends does not suggest a capability whereby the upper cover (30) can be held in a standing position relative to any one or more of the side plates (2).

For at least this reason, Vicari cannot reasonably be considered to teach, or to have suggested, the combination of all of the features positively recited in independent claim 1. Further, claims 7-10, 13, 16-18, 24, 26, 32 and 33 are also neither taught, nor would they have been suggested, by Vicari for at least the respective dependence of these claims, directly or

indirectly, on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recite.

Accordingly, reconsideration and withdrawal of the rejection of the enumerated claims under 35 U.S.C. §102(b) as being anticipated by Vicari are respectfully requested.

The Office Action, in paragraph 5, rejects claims 1-3, 11, 12, 14, 15, 17-21, 24, 26-31, 34 and 35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,047,983 B2 to Manougian et al. (hereinafter "Manougian") in view of U.S. Patent No. 6,626,432 B2 to Rago et al. (hereinafter "Rago"). The Office Action, in paragraph 6, rejects claims 4-6 and 25 under 35 U.S.C. §103(a) as being unpatentable over Manougian and Rago as applied to claims 1 and 3 above, and further in view of U.S. Patent No. 3,441,033 to Flax and U.S. Patent No. 5,878,881 to Hunt. The Office Action, in paragraph 7, rejects claims 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over Manougian and Rago as applied to claim 1 above and further in view of U.S. Patent No. 5,115,916 to Beasley et al. (hereinafter "Beasley"). These rejections are respectfully traversed.

Manougian teaches a protected cosmetic container including a base and a lid removably associated with the base to obtain closed and opened positions (Abstract). Manougian further teaches, "where hinges are used to connect the lids and the bases of the housings, the hinges may be formed integrally, unitarily with the lids and bases or as separate mechanical components; reinforced hinges may be used for increased strength" (col. 4, lines 22-26). References to hinges here in Manougian and throughout refer to mechanical and/or reinforced mechanical components (see, e.g., col. 18, lines 18-20, col. 20, lines 27-30, and/or col. 22, lines 58-61). The disclosure of Manougian, therefore, cannot reasonably be considered to suggest any motivation to modify the pinned hinge explicitly taught by that reference with a hinge comprising hooks and loops arranged to cooperate with each other as

is asserted by the Office Action at least because such a modification may likely render the Manougian invention unsuitable to its intended purpose.

Rago teaches game board and playing card retention clips. With reference to, for example, Fig. 6 of Rago the Office Action asserts that Rago can reasonably be relied upon as showing a hook and loop hinge. The Office Action goes on to conclude that one of ordinary skill in the art would have found it obvious to substitute the hook and loop hinge allegedly shown in Rago for the pin hinge shown in Manougian, the Office Action asserting that an express suggestion to substitute one equivalent component or process for another is not necessary to render the substitution obvious. The analysis of the Office Action fails for at least the following reasons. First, based on the totality of the disclosure of Manougian it is not reasonable to conclude that one of ordinary skill in the art would have been motivated to make the asserted substitution with any reasonable anticipation of success. Second, to the extent that Rago may even be considered analogous art, a conclusion that Applicant does not concede, Rago also does not teach, nor can it reasonably be considered to have suggested, the feature wherein the hinge is configured to hold the lid in an upstanding position relative to the at least one base portion. The assertion that the alleged hinge portion of Rago would have been, in any way, considered an art-recognized substitute for the pinned hinge in Manougian is a conclusion that could only be arrived at through the improper application of hindsight reasoning based on the roadmap provided by Applicant's disclosure.

For at least the foregoing reasons, the Office Action fails in its attempt to render obvious the combination of all of the features positively recited in independent claim 1. Further, claims 2, 3, 11, 12, 14, 15, 17-21, 24, 26-31, 34 and 35 also would not have been suggested by this combination of references for at least the respective dependence of these claims directly or indirectly on an allowable base claim, as well as for the separately patentable matter that each of these claims recite. Further, because none of Flax, Hunt or

Beasley are applied in a manner that would overcome the above-identified shortfalls in the application of the combination of Manougian and Rago to the features of at least independent claim 1, claims 4-6, 22, 23 and 25 also would not have been suggested by any combination of the applied prior art references for at least the respective dependence of these claims directly or indirectly on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recite.

Accordingly, reconsideration and withdrawal of the rejections of the enumerated claims under 35 U.S.C. §103(a) as being unpatentable over the combination of Manougian and Rago, taken alone or in view of any of Flax, Hunt and Beasley are respectfully requested.

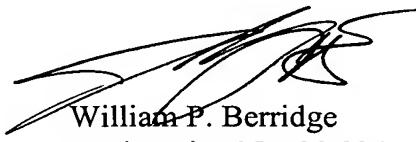
Added claims 36 and 37 are allowable at least to the extent of the claims from which they depend. Added claims 38 and 39 each recite a base portion including a housing receiving at least one cosmetic substance, and a second base portion including a housing receiving at least one cosmetic substance. The prior art neither teaches, nor can it reasonably be considered to have suggested, a box comprising two base portions, nor that the box would include a cosmetic substance. Claim 38 further recites, among other features, wherein the first base portion comprises on at least one lateral face a third element and wherein a second base portion comprises on at least one corresponding level a fourth element, one of said third and fourth elements comprising loops and the other of said third and fourth elements comprising hooks arranged to cooperate with said loops. Manougian does not disclose any portions that could be considered to correspond to two separate base portions. Rago does not disclose an element comprising loops or hooks extending on a lateral face. Hunt teaches removably connecting two storage containers in a back-to-back relationship. Therefore Hunt does not disclose removably connecting two base portions via lateral faces. For at least these reasons added claim 38 is not rendered obvious by the above-indicated combinations of references.

Claim 39 recites, among other features, the bottom face of the first base portion comprises a third element and the top face of the second base portion comprises a fourth element, one of said third and fourth elements comprising loops and the other of said third and fourth elements comprising hooks arranged to cooperate with said loops. As noted above, Manougian does not teach two base portions. Rago does not suggest a third section would be removably connected to the bottom face of either of the two sections of the disclosed game board. Hunt teaches two storage containers removably connected in a back-to-back relationship, which means that both bottom faces of the storage containers, comprise elements of loops and hooks arranged to cooperate with each other. Hunt does not teach that the bottom face of one storage container comprises elements comprising one of hooks and loops and that the top face of the other storage container comprises an element comprising one of hooks and loops. Flax discloses a cosmetic kit including a lid, a bottom tray, an intermediate tray and a top tray. Those trays are connected via a post whose bottom is hollow and arranged to receive a screw. Flax therefore can reasonably be considered to teach away from a system comprising a first element fixed to the top tray, a second element fixed to the lid, one of said first and second elements comprising loops and the other of said first and second elements comprising hooks arranged to cooperate with said loops. Flax also can reasonably be considered to teach away from the system in which the bottom face of any one of the top tray and the intermediate tray comprise a third element and the top face of any one of the intermediate tray and the bottom tray comprises a fourth element, one of said third and fourth elements comprising loops and the other of said third and fourth elements comprising hooks arranged to cooperate with said loops. As such, added claim 39 is at least not suggested by the combination of applied prior art references.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-39 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:JEG/hms

Attachments:

Amendment Transmittal
Petition for Extension of Time
Request for Continued Examination

Date: April 13, 2007

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